

United States District Court
EASTERN DISTRICT OF WISCONSIN

ROBERT L. STINSON,

Plaintiff,

v.

Case No. 09-C-1033

CITY OF MILWAUKEE,
JAMES GAUGER,
DR. LOWELL T. JOHNSON,
RAYMOND D. RAWSON,

Defendants.

COURT MINUTES
HONORABLE CHARLES N. CLEVERT, JR., PRESIDING

Date: June 20, 2011

Proceeding: Status Conference

Start Time:	9:27:46 a.m.	End Time: 9:45:18 a.m.
	9:47:23 a.m.	10:05:09 a.m.
	10:25:45 a.m.	11:05:30 a.m.

Court Reporter:	FTR	Deputy Clerk: Kris Wilson
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Appearances:	Plaintiff:	Attorney Heather Lewis Donnell
	Defendants:	Attorney Jan A. Smokowicz
		Attorney Jason J. Franckowiak

Disposition: Plaintiff's Motion to Compel Detective James Gauger and Dr. Johnson to appear for deposition is Granted. [31]

Dr. Johnson will respond to the Second Amended Complaint by June 30, 2011.

The City of Milwaukee will respond to the Second Amended Complaint by July 11, 2011.

All discovery shall be completed by March 31, 2012.

A post-discovery status conference is set for April 18, 2012, at 2:00 p.m.

Dr. Johnson's Rule 7(h) Expedited Non-Dispositive Motion for Protective Order is denied. [32]

Det. Gauger's Rule 7(h) Expedited Non-Dispositive Motion for Protective Order is denied. [34]

Plaintiff's Rule 7(h) Expedited Non-Dispositive Motion to Compel defendant Johnson's Discovery Responses is Moot pursuant to the oral stipulation of the parties. [42]

Dr. Johnson's Rule 7(h) Expedited Non-Dispositive Motion for Protective Order Concerning Written Discovery is Denied as Moot pursuant to the oral stipulation of the parties. [44]

Plaintiff's Rule 7(h) Expedited Non-Dispositive Motion to Compel the City of Milwaukee to produce the entire Cychosz file is Granted in Part as the City of Milwaukee will amend its privilege log by July 1, 2011. [47]

Notes:

Attorney Smokowicz asserts that Detective Gauger is entitled to qualified immunity. The City of Milwaukee has responded to all discovery. There is no record of who prepared a composite dental sketch. Counsel requests leave to file a motion for summary judgment by the end of July.

Attorney Donnell contends that the plaintiff refused to testify in a prior homicide case so the defendants in this case targeted plaintiff exclusively in the homicide investigation. The defendants conspired to manipulate evidence to target the plaintiff.

No discovery stay exists in this case.

Composite sketch of teeth - missing tooth #7- plaintiff never missing that tooth.

After conferring, Johnson will produce discovery as requested.

Dr. Rawson was served last Friday.

The parties believe that no electronic records or files exist in this matter.

Attorney Donnell concurs with the defense that Dr. Johnson was a state actor but he is not afforded the privilege of qualified immunity or absolute immunity.

Attorney Franckowiak will argue that at the very least Dr. Johnson qualifies for absolute immunity because he was an independent expert. Dr. Johnson did respond to an initial set of discovery but objected to the second set of discovery due to concern that plaintiff was trying to take deposition of Dr. Johnson through written discovery.